III.   REMARKS

1.   Claims 1-17 remain in the application. Claims 1, 9, and 17 have been amended.

2.   Claims 1, 9, and 17 have been amended to overcome the 35 USC 112, second paragraph rejection by clarifying how the frames are transmitted, that the messages are different from the information to be transmitted, and that complete messages are formed from the information to be transmitted.

3.   Claims 1-3, 5-11 and 13-17 are not anticipated by Gleeson et al. (US 5,627,829, "Gleeson") under 35 USC 102(b).

Gleeson fails to disclose or suggest

> forming complete messages from the information to be transmitted by an application layer of a protocol stack of the first data transmission device, said complete messages being different from said information to be transmitted;

> performing one or more protocol conversions in the protocol stack for said complete messages to form frames of a lower layer of said protocol stack;

> transferring the frames to a physical layer of said protocol stack for transmission

all as recited by claims 1, 9, and 17.

Gleeson does not use an application layer to form complete messages from information to be transmitted.

The present action cites col. 6, lines 47-56 of Gleeson as teaching that message data are generated in the application layer. Applicants disagree. Gleeson states that the "application layer… handles protocols and interface information that directly communicate with a client application program running at the station." As argued previously, col. 7, lines 4-6 describe the receiving operation which helps to clarify the differences between Gleeson and the present claims: "Finally, the information passes to

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the application layer 202 which <u>directly interfaces</u> with the application program running in the second node." Thus, there is no disclosure in Gleeson related to forming complete messages from the information to be transmitted by an application layer.

In Gleeson, when the application layer interfaces information to lower levels of a protocol stack, the <u>lower levels add</u> some level-specific details to the information. Gleeson's application layer does not perform this operation. In Gleeson the application layer only passes the information to the lower level. In contrast, in the present claims <u>complete messages are formed in the application layer.</u>

At least for these reasons, Applicants submit that Gleeson does not anticipate independent claims 1, 9, and 17 and dependent claims 2, 3, 5-10, 11, and 13-16.

4.   As previously argued, Gleeson fails to disclose using the WAP system as presented in claims 7 and 15,

The Examiner states that the radio modem protocol "RM" is functionally equivalent to wireless application protocol "WAP." Applicants disagree. In Col. 10, lines 5-39 Gleeson discloses:

> "The basic protocol stack diagram for the prior art wireless network is shown in FIG. 8A which illustrates a connection between a mobile client node (stack 838) and a server node on a LAN network (stack 846). The client node protocol stack 838 communicates with a radio packet modem 840 which, in turn, communicates with base station 842. Base station 842 communicates with a message switch 844 which, in turn, communicates to the LAN server stack 846.
>
> Protocol stack 838 in the mobile client node consists of the application layer 800, non-standard protocol layer 802, and a protocol layer 804 for the protocol used by the radio packet modem 840. The non-standard layer 802 is network specific and must be used by clients and hosts/gateways which access the wireless network. Protocol layer 802 provides the means whereby the mobile client node identifies the host to which it wants to communicate and other options, such as the use of acknowledgements.
>
> The modem protocol layer 804 converts the non-standard protocol used in layer 802 to the radio modem protocol (RM) used to interface with the radio packet modem 840. <u>This latter protocol is both network and modem specific</u>.

> The radio packet modem, in turn, communicates with the base station 842 by means of a radio protocol (RP). The modem/base station radio protocols generally include significant error correction overhead and, if retries and acknowledgements are taken into account, the effective throughput over the radio link is typically only 10% to 50% of the nominal throughput depending on the traffic being carried over the network."

The underlined text shows that the radio modem protocol is both network and modem specific. In the past it was common to talk about "Hayes compatible modems".

Applicants submit that RM and WAP are <u>not</u> functionally equivalent. WAP is not a protocol specific to a modem model. Further, WAP protocol is not used for transmitting the data, while, for example, TCP/IP protocol is.

5.   Applicants respectfully submit that claims 4 and 12 are patentable over the combination of Gleeson in view of Bhagwat et al. (US 6,721,805, "Bhagwat") under 35 USC 103(a).

Claims 4 and 12 depend from claims 1 and 9, respectively.

Bhagwat fails to disclose the features of claims 1 and 9 missing from Gleeson, that is, forming complete messages from the information to be transmitted by an application layer of a protocol stack of the first data transmission device, said complete messages being different from said information to be transmitted;

There is no disclosure in Bhagwat related to this feature.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.
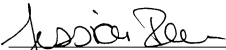
Respectfully submitted,

_____   _26 October 2007_

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